

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GREAT LAKES INSURANCE SE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-22-00702-JD
	)	
FREDY VALLE, doing business as	)	
Valle Trucking; SILVER STAR	)	
CONSTRUCTION COMPANY, INC.;	)	
TYLON MACKEY; ISRAEL JUAREZ;	)	
ORD TRUCKING, INC.; and ZURICH	)	
AMERICAN INSURANCE	)	
COMPANY,	)	
	)	
Defendants.	)	

**ORDER TO PLAINTIFF TO SHOW CAUSE**

As explained below, Plaintiff is ORDERED to show cause in writing within fourteen (14) days of the date of this Order why service has not been timely made on Defendants Fredy Valle, Tylon Mackey, Israel Juarez, ORD Trucking, Inc., and Zurich American Insurance Company (“Unserved Defendants”).<sup>1</sup> In the absence of such a showing, Plaintiff’s complaint against Unserved Defendants may be dismissed without prejudice under Federal Rule of Civil Procedure 4(m).

Plaintiff filed this action on August 16, 2022. [Doc. No. 1]. Summons issued on August 17, 2022. [Doc. No. 4]. Upon review of the docket, the Court sees no indication

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<sup>1</sup> Defendant Silver Star Construction Company, Inc., filed an answer [Doc. No. 6] on September 9, 2022, and an amended answer [Doc. No. 12] on October 3, 2022.

that Unserved Defendants have been served with Plaintiff's complaint and summons. [Doc. Nos. 1, 4].

Federal Rule of Civil Procedure 4(m) states in relevant part: "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." To the extent Unserved Defendants have been served or have waived service, Federal Rule of Civil Procedure 4 requires the filing of either (1) proof of service or (2) waiver of service. Plaintiff has filed neither.

Because there is no indication in the record that service has been obtained on Unserved Defendants, Plaintiff is ORDERED to show cause in writing within fourteen (14) days of the date of this Order why service has not been timely made. In lieu of filing a response to this show cause order, within fourteen (14) days, Plaintiff may file a written proof of service or waiver of service for Unserved Defendants or may file a stipulation of voluntary dismissal as to Defendants Fredy Valle, Tylon Mackey, Israel Juarez, ORD Trucking, Inc., and Zurich American Insurance Company that complies with Federal Rule of Civil Procedure 41. Otherwise, in the absence of a showing or other filing by Plaintiff, the Court may dismiss this action without prejudice against the Unserved Defendants.

IT IS SO ORDERED this 23rd day of November 2022.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", written over a horizontal line.

JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE